

“Asking for Justice and Fair Play”: African American State Legislators and Civil Rights in Early Twentieth-Century Pennsylvania

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Source: *Who's Who in Colored America* (1932)



John Cornelius Asbury, L.L.B., L.L.M.

On March 29, 1921, two African American state legislators urged the Pennsylvania General Assembly to grant black Pennsylvanians full citizenship by passing an equal rights bill. John C. Asbury, a Republican representative from Philadelphia, spoke of his interracial upbringing in Washington County:

As a boy, I played, studied, and fought with boys of other races. . . . I never received anything from those boys but justice and fair play. In the belief that Pennsylvania men are just Pennsylvania boys grown older, I come to you asking for that same justice and fair play.¹

Republican Andrew Stevens Jr. of Philadelphia reminded his colleagues that it was Easter, a time to remember that Christ died so “that the sins of men might be redeemed—not white men, brown men or even yellow men or black men, but all men.” Stevens argued that if all men have equal access to salvation, then all men are entitled to equal rights under the law. By this bill, Stevens said, blacks “demand full citizenship in Pennsylvania and these United States of America.”² The Pennsylvania House passed the Asbury Bill that day, but in April, 1921, the bill was defeated in the Senate. Fourteen years would pass before another black Pennsylvania legislator would introduce a civil rights bill.

Scholarship on black Philadelphia political life has not intensively studied the first two decades of the twentieth century. *Black Politics in Philadelphia* edited by Miriam Ershkowitz and Joseph Zikmund, fails to mention the civil rights work of the state’s first black lawmakers such as Harry Bass, John Asbury and Andrew Stevens Jr. in the 1910s and 1920s. Other books such as John A. Saunders’s *100 Years After Emancipation—A History of the Philadelphia Negro, 1787 to 1963*, and Arthur C. Willis’s *Cecil’s City: A History of Blacks in Philadelphia, 1638-1979*, mention the names of these lawmakers but omit any details about their contributions. Only Vincent P. Franklin’s book *The Education of Black Philadelphia*³ acknowledges the work of early black Pennsylvania lawmakers. But Franklin is interested not so much in the relationship between blacks and the Republican Party on civil rights as he is in the impact of legislation on black education. This essay will argue that politicians such as Harry Bass, John Asbury, Andrew Stevens Jr., J. Max Barber, and Amos Scott were key figures in early twentieth century black Philadelphia politics. By studying them we can learn about the historical relationship of African Americans to the Republican Party, the nature of racism in Pennsylvania, and the shaky alliance black Philadelphia politicians have had with black leaders in Pittsburgh on race issues.

African Americans in Pennsylvania have always tried to influence public policy, speaking out on such issues as slavery, the rights of free blacks, and voting rights. Before 1910 there were no black legislators in Harrisburg. African Americans however, petitioned and protested through local leaders such as Robert Purvis and Richard Allen, the Pennsylvania Equal Rights League, and black state conventions. The League, for instance, won its fight against segregation on Philadelphia streetcars in 1867 when a Pennsylvania civil rights law was passed. But “the narrow definition accorded to the term ‘public accommodation’ rendered the statute inapplicable to important areas, such as housing and education.”⁴ A few years later, the passage of the Fourteenth and Fifteenth Amendments to the United States Constitution made it possible for African Americans to vote, hold office, and sue for civil rights in the courts. A major Pennsylvania civil rights court prior to 1879 was the case of *Drew v.*

Peers, [where] “a theater owner appealed to the Pennsylvania Supreme Court and contested the award of damages to a black couple who had sought to enter a theater, but were forcibly ejected.”⁵ The defendant claimed a discretionary right to exclude persons from privately owned businesses but the Supreme Court disagreed. In May 1881, Elias H. Allen, a black man from Meadville, sued to have his children admitted to a white grammar school in their neighborhood. The Crawford County judge agreed with Allen that the 1854 Pennsylvania school segregation law violated the Fourteenth Amendment. This case persuaded Pennsylvania’s General Assembly to pass a new school law in June, 1881, opening public schools to children regardless of race. The 1881 law did not end *de facto* school segregation in Pennsylvania, which was reinforced by demographic housing patterns in urban areas. But it paved the way for more ambitious legislation. In 1887, Pennsylvania passed a comprehensive civil rights law, banning discrimination in “restaurants, hotels, railroads, street railways, theaters, and places of amusement.” Blacks complained that the law was poorly enforced; many white businesses in Pennsylvania continued to practice racial discrimination. The 1896 *Plessy v. Ferguson* United States Supreme Court decision, which sanctioned the “separate but equal” doctrine, had the effect of overriding the 1887 Pennsylvania law. This presented a paradox for state courts which had to acknowledge the *Plessy v. Ferguson* decision but still uphold the authority of Pennsylvania law. In the case of *Russ’s Application* in 1898, for example, the Supreme Court rejected the appeal of a hotel-owner who was denied a license for his Jim Crow establishment. “It is time that race discrimination ceased in this state,” said the court.⁶

The African American community agreed. It surmised that security of civil rights was tied to political empowerment. In the late nineteenth century, Pittsburgh and Philadelphia blacks began to form their own political clubs, which served as a mode of participation in city “machine politics.” For example, in Philadelphia, the political “machine” functioned at three levels. At the top was the city committee or Central Campaign Committee, made up of representatives from Philadelphia’s fifty wards. In the middle was the Ward Executive Committee or committeemen. At the bottom were the various precincts or divisions; within them political clubs flourished. The clubs had both legal and extralegal political functions. Their main legal function was to get out the vote during elections. Their main extralegal function was to register their own illegal voters so that the ruling party would win the election.⁷

Nineteenth-century black Philadelphia political leaders, such as Andrew F. Stevens Sr. were affiliated with these clubs and used them as a springboard for election to public office. In 1884, Stevens was a founder and first president of the Citizens’ Republican Club, one of a number of all-black political clubs in Philadelphia. Stevens was called “the doyen of caterers” because of his popularity with the Philadelphia black elite. Alluding to Abraham Lincoln,

Stevens said that he founded his club as a way to do “something for the one political party that had done something for his kind.”⁸ But he also found his club convenient for hosting “lavish annual receptions” which enriched his catering business. As historian Roger Lane points out, “there was often little distinction between clubs and speakeasies, gambling ‘parlors’ and bawdy houses.” Stevens’s club rules, however, specified genteel behaviors: “no drink or gaming on the premises, no office-seekers among the leadership, no money spent on music or other entertainment.”

Yet the rules were probably not enforced all the time, since Stevens himself broke one of them; in 1894 he became the sixth African American ever elected to Philadelphia’s City Council. The Citizens’ Republican Club soon assumed a pivotal role in black Philadelphia politics. “Not only did they endorse their own members as candidates for office and work to elect them,” noted the *Philadelphia Tribune*, “but other clubs throughout the city sought their endorsement for candidates as well.”⁹ The first signs of African American disillusionment with mainstream politics occurred after the United States Supreme Court struck down the 1875 Civil Rights Act on October 15, 1883. Edward Price argues that “the court decision was a major factor in causing many Negroes to break their ties with the Republican Party or not to support any one political party.”¹⁰

Third parties offered African Americans possible political options. One option was to form a “black political party.” In late-nineteenth-century Pennsylvania, there were several such organizations. According to political scientist Hanes Walton, the Colored Independent Party (CIP) was founded in 1883 in Pennsylvania. Little is known about it except that it survived for several years under various names such as the Negro Prohibition League. The CIP did no electioneering but functioned primarily as a pressure group; it “served mainly to inform the black community . . . about major issues.” Walton claims that a major function of black parties has been “to protect the exclusion of blacks from the mainstream of American political life.”¹¹

More enduring, however, was the Afro-American Republican League of Pennsylvania based in Steelton. From 1890 to 1916, Peter Blackwell published the League’s newspaper—*The Steelton Press*—and also agitated for political patronage of blacks. For instance, in 1897 the League petitioned the mayor of Philadelphia to recognize black loyalty to the GOP by through political appointments. In 1905, the League endorsed Governor Samuel W. Pennypacker’s bid for reelection.¹²

White independent parties provided another political option for Pennsylvania blacks. Before 1838, a small number of African Americans voted for parties such as the Anti-Masonic Party. Abolitionist Robert Purvis campaigned for the Greenback Labor Party during the 1884 election, although Purvis himself was not a candidate. Eventually, African Americans became

active in white third parties. In 1896, an African American law school student at the University of Pennsylvania decided to run for the state legislature from Philadelphia's Sixth District on the People's Legislative Party (PLP) ticket.

His name was Harry W. Bass of West Chester. Bass did badly in the 1896 election, receiving only 590 votes. In 1898, after graduating from law school, he ran again for the legislature on the PLP ticket and lost. Because the Republican Party dominated the political landscape, independent party candidates had a tough time winning elections. Furthermore, like the major parties, they were subject to charges of opportunism from African Americans: using black votes to decide elections and while ignoring black issues. "In fact, if the minority party lost, as was generally the case, Negro suffrage was vigorous denounced; the Negro was accused of being a corrupting element and an obstacle to progressive reforms."¹³ This may have been Bass's experience. He switched parties. Being a Republican Party faithful and flagbearer for the Penrose machine, Bass discovered, paid off in terms of political rewards.

United States Senator Boies Penrose (1860-1921) was the boss of Philadelphia's Republican organization. He stood at six foot four and weighed some 300 pounds. Born into an aristocratic old Philadelphia family, Penrose rose to the top of the Keystone State G.O.P. due to his association with Matthew Quay. After a short stint in the Pennsylvania legislature, he not only succeeded Quay as Pennsylvania G.O.P. boss but got elected to Congress, representing Pennsylvania for almost twenty-five years. But Penrose seemed to have left no legacy in terms of legislation. As one observer put it: "taken for what he was—a shamelessly practical politician and maker and breaker of Presidents—he towered easily, with or without the abuse that was heaped on him, over all competitors. Taken for the statesman he might have been, he was dwarfed by his own shadow." Furthermore, Penrose's leadership, was regularly challenged by George, Edwin, and William Vare

Source: Walter Davenport, *Power and Glory: The Life of Boies Penrose* (1931)



Boies Penrose

or known as “the Dukes of South Philadelphia.” Penrose’s feud with the Vares was one reason why he did not pay close attention to congressional issues. Therefore, it is likely that Bass’s election to Harrisburg was the result of a power play between the Vares and Penrose. Historian Charles Hardy argues that Penrose and ward leader Charles Seger wanted to curb the Vares’ bid for black voters, and that they saw Harry Bass’s nomination for the state legislature as one way of doing this.¹⁴

Previously, Philadelphia machine bosses had sponsored blacks such as Andrew Stevens Sr. for city council but never for the General Assembly. Bass convinced the Republicans to nominate him for the legislature. In November, 1910, Bass finally won election to the General Assembly, becoming the first black state legislator elected in Pennsylvania. He won by a landslide. Bass’s arrival in Harrisburg in January, 1911, was cause for much jubilation in the African American community, as the *Philadelphia Tribune* reported:

With the pomp and glory of an ancient king about to ascend his throne, Bass was escorted to Harrisburg by three hundred and sixty-five of the most representative citizens of the city, who had formed themselves into the Harry W. Bass Republican Club. Headed by a brass band, and with a remnant of the famous old Gray Invincibles acting as a military escort, they stormed Harrisburg and were everywhere acclaimed by the multitude that filled the capitol that day.¹⁵

Once he settled into his legislator’s chair, however, Bass may have had a more somber view of his victory. He knew that “though a legislative seat brought with it a great deal of personal prestige, the office offered little real power, for Harrisburg was far removed from the real sources of political power and money—the city wards [of Philadelphia].” But Bass was aware of the historic importance of his election for Pennsylvania blacks. They expected him to champion civil rights. Bass knew from his law experience that filing suit under the act had two drawbacks for African Americans. First, it was not financially advantageous. The 1887 law stipulated that plaintiffs could be awarded only up to \$100 in damages. Second, black plaintiffs faced an uphill battle in court. The *Pittsburgh Courier* noticed that whites always denied charges of racism.¹⁶ Thus, when confronted with conflicting testimony from white defendants and black plaintiffs, some African Americans claimed that judges favored the defendants.

Representative Bass adopted a low-key strategy. He proposed to expand the scope of the 1887 law to include ice cream parlors and drugstores. Ice cream parlors gained enormous popularity among the public beginning in the 1900s. Since no court cases had been filed yet by blacks under the 1887 law and the civil rights vanguard organization—the NAACP—had just been founded in 1910, it is likely that Bass’s motivation for sponsoring the bill was

purely political. He wanted to prove to his constituency that he was working for them.

The Bass Bill, or Pennsylvania House Bill 298, was introduced on March 9, 1911. By amending the 1887 law, Bass saw an opportunity to tighten its enforcement clause. This was done during the bill's second reading on March 22, 1911: he changed the wording of the amendment to read that either "an unusual or excessive price is charged . . . shall be evidence of a purpose and intent to violate the provisions of this Act and the fact that persons of a particular color or race are required to sit in or occupy particular or special or isolated seats [in public places] shall be evidence of an intent or purpose to violate the provisions of this Act." Bass wished to bypass the knotty legal problem of proving alleged individual acts of discrimination and focus upon Jim Crow conditions. On April 5, 1911, the House voted on the Bass Bill. Although House members

Source: *The Philadelphia Inquirer*, June 16, 1917



Harry W. Bass

voted 71 to 49 in favor of the bill, it fell short of the constitutional majority required by the Pennsylvania constitution. So the Bass Bill died. The *Pittsburgh Courier* condemned what it considered Republican hypocrisy: "All praise is to be given to Mr. Bass for his manly courage in standing by his amendment; but the wholesale desertion by our Republican representatives has placed them on record for all time."¹⁷ Another black Pennsylvania politician whose star was on the rise in 1911 was Andrew F. Stevens Jr. (1868-1951), who was named to the state Republican Committee that year. Stevens had followed his father, who had died in 1898, into politics.¹⁸ A graduate of the University of Pennsylvania, a banker by trade, and a member of the Citizens Republican Club, Stevens inherited his father's political savvy and interest in race issues.

Stevens and Bass had more than discrimination to worry about in 1911. Lynching, a race issue that African Americans in Pennsylvania in 1911 had associated only with the South, came to the fore that year. Zachariah Walker, an African American man accused of killing a white policeman, was brutally

beaten and burned alive near Coatesville, Pennsylvania. The lynching shocked the nation and spurred the newly formed National Association for the Advancement of Colored People¹⁹ (NAACP) to press for the conviction of those responsible. The civil rights group established a branch office in Philadelphia in 1913 and began to lobby for antilynching legislation in Pennsylvania. Ironically, it was Samuel B. Scott, a white Republican from Philadelphia rather than Harry Bass, who introduced an antilynching bill in the General Assembly in March, 1913. Scott's sponsorship of the bill was perceived as less of a threat to legislators than that of Bass. The Scott Bill proposed that the county in which a lynching occurred would be liable for financial restitution to a victim's family. Furthermore, if the victim was in the custody of law enforcement officials (as was the case with Zachariah Walker), law officials found guilty as accessories to a lynching would be barred from holding office. Although the Scott bill passed the House by a 106 to 34 vote, in the Senate it died in the Judiciary Committee.

Also in 1913, unsuccessful efforts were made to pass a civil rights bill. Republican representative Plymouth W. Snyder of Blair County introduced a bill making it a misdemeanor to discriminate in public accommodations. Offenders would be subject to a maximum fine of \$500. The Snyder Bill passed the Senate without difficulty but ran into trouble in the House where it was amended drastically during the second reading. The Snyder Bill wanted equal rights for all regardless of "race, creed, or descent," but legislators dropped the word "race" from the bill. In such an ineffective form, the bill was dropped from the legislative calendar.²⁰

Bass won reelection to the legislature in November, 1912, defeating a white third-party candidate, George W. Long of the Keystone and Washington party, 2,655 to 1,214 votes. Bass scored one of the major successes of his legislative career when as a member of the 50th anniversary of the Emancipation Proclamation Commission, he helped secure a \$75,000 appropriation from the legislature. Shortly after his appointment to the commission, however, the Citizens Republican Club passed a resolution condemning Bass as "an enemy to the betterment and welfare of the Colored Race." The Club charged that Bass did not envision the Emancipation Proclamation anniversary celebration as a showcase for black progress but as a showcase for Republican politicians. In a *Philadelphia Tribune* article, the Club alleged that "[in order] to secure his re-election and the political advancement of his cohorts, . . . [Bass] permitted, without denial, a false rumor to be circulated that members of] the commission had to be members of the legislature."²¹ In this way, other African Americans were excluded from serving on the commission. Bass was letting himself be used by his political bosses and ignoring the interests of African American people, said the Citizens Republican Club. Black criticism of Bass's involvement with the Emancipation Proclamation anniversary celebration as well as failure

to get civil rights legislation passed may have caused Bass to seek a political job in lesser limelight. He resigned from the General Assembly in January 1915. Bass accepted a job as assistant solicitor for the city of Philadelphia along with another black lawyer: John C. Asbury. John Cornelius Asbury was born in Washington County, Pennsylvania, and received an undergraduate degree in 1882 from Washington and Jefferson College and a law degree from Howard University in 1885. By 1887 he was working as an attorney for Norfolk County in Virginia. There he first became involved in politics, serving as a delegate to the 1892 National Republican Convention from Virginia's Second Congressional District. In January 1897, Asbury moved to Philadelphia.

In the Quaker City, Asbury combined his law practice with publishing the *Odd Fellows' Journal*, the publication of the Odd Fellows, an influential fraternity among African Americans. Asbury reentered politics in 1912; he served as alternate delegate to the National Republican Convention from Philadelphia's First Congressional District and joined the Citizens Republican Club.²² Asbury attracted wide notice when he won a civil rights case in the state Supreme Court. He represented the family of a black Pennsylvania Railroad pullman porter who had been killed in a railroad accident.²³ In 1914 the *Philadelphia Tribune* announced the formation of the Negro Protective League in Pennsylvania, organized to “promote the civic, industrial and political interests of the Race.” Its headquarters was at the Keystone Aid building at Lombard and Sixteenth Streets, Philadelphia. Other chapters were to be established in Pittsburgh, Harrisburg, and Reading. Although Reverend William Credit was the League's president, the fact that the League's headquarters was at the site of Asbury's insurance company—Keystone Aid—suggests that Asbury played a prominent role in the organization. One of the few documented actions of the League was the passing of a resolution endorsing the re-election of Senator Boies Penrose because he had spoken out against the unjust discharge of black soldiers in the Brownsville incident of 1916.²⁴

By then, Asbury's dedication to the GOP was rewarded by an appointment as Philadelphia assistant city solicitor. Working with Harry Bass, Asbury thus learned about the Pennsylvania General Assembly and his views on civil rights. Bass's work in Harrisburg was also noticed by the publisher of the *Pittsburgh Courier*, Robert L. Vann (1879-1940). A North Carolinian by birth, Vann was one of the first African Americans to graduate from the University of Pittsburgh, taking both his undergraduate and law degrees there. Like Harry Bass, Robert Vann broke into politics through Republican patronage: one of his first jobs was as clerk in the mercantile appraiser's office in Pittsburgh. In 1914, Vann founded the *Pittsburgh Courier*. It became one of the most important black newspapers in the country in terms of the size of its audience and influence. Before 1932, the *Courier* was pro-Republican; Vann was regarded as the Negro press publicity chief for each of the presidential

campaigns from 1920 to 1932. More importantly, the *Courier* was a strong advocate of civil rights. As a result of its efforts, in 1914 the first recorded lawsuits by Pennsylvania blacks under the 1887 act were filed. Historian David McBride points out that “it is possible that cases involving the antidiscrimination statute were tried in the 1890s and 1900s, but were not reported or indexed in Pennsylvania state digests, reporters, and legal treatises.”²⁵

Nevertheless, both major black Pennsylvania newspapers—the *Philadelphia Tribune* and the *Pittsburgh Courier*—record many incidents of racism in the 1900s in which lawsuits were never brought forth. The 1914 court cases, however, were typical of Jim Crow incidents in Pennsylvania. In the case of *Woodrow v. Duffy*, Woodrow, an African American claimed that the Rittenhouse Hotel in Philadelphia had refused to serve him because of his color. A Philadelphia Court of Common Pleas jury awarded the plaintiff only twenty-five cents in damages. In the case of *The Commonwealth v. George*, Athens George, owner of the Victoria Theater in Harrisburg, was found guilty of racial discrimination by the Dauphin County Court of Quarter Sessions. George appealed to the Pennsylvania Supreme Court which overturned the decision. In the spirit of *Plessy v. Ferguson*, the judge ruled that “the 1887 law dealt only with the admission of blacks to public places, not accommodations once inside.”²⁶

Despite these setbacks, in February, 1915, May Childs Nerney, a white official of the national NAACP, wrote to two black attorneys, William M. Randolph of Pittsburgh and W. Justin Carter of Harrisburg. Carter, president of the Harrisburg chapter of the NAACP, thought it was unlikely that both an antilynching bill and a civil rights bill would pass in Pennsylvania. He said it was better to concentrate on the civil rights bill.²⁷ Then Randolph contacted black Pittsburgh attorney Frank Stewart, credited by some as the prime architect of the 1915 Pennsylvania civil rights bill.²⁸ The two black attorneys drew up a civil rights bill identical to the 1887 law but with harsher penalties: up to \$500 in fines, three months in prison, or both. Since there was no black legislator in Harrisburg in 1915, white Republican representative Abram C. Stein of Pittsburgh introduced the 1915 bill in the General Assembly. Stein reminded his peers that in August, 1914, the national Republican Party had put an anti-Jim Crow plank in its platform, proclaiming racial prejudice as “contrary to the spirit of American institutions.” He said: “The Republican Party secured the Negro vote of this Commonwealth. Can we now as honorable men refuse to carry out our pledge. They have done their full duty by the party and by us and now ask for justice. Dare we deny it?”²⁹ Robert Vann was enthusiastic about the Stein Bill; he urged *Pittsburgh Courier* readers “to organize to make our future secure against the abuses we have suffered in the past.” Citing Harry Bass’s efforts, Vann told blacks that “we must work without ceasing” to get this bill passed. He said black churches should send supporters

to Harrisburg because the church “owes the public a service . . . not confined to soul saving but especially, but to COMMUNITY SAVING.”³⁰

On April 14 Vann and other Pittsburgh blacks joined blacks from Philadelphia and Harrisburg to lobby for the Stein Bill. Among the Philadelphia delegation were Citizens Republican Club President Amos Scott, Ernest Wright, Alfred S. Jones, *Philadelphia Tribune* editor Christopher J. Perry and J. Max Barber. Barber, a dentist and a journalist, was a founding member of the Niagara Movement and the NAACP. From 1904 to 1906, he edited the *Voice of the Negro*, and later served on the editorial board of the NAACP and as president of the Philadelphia NAACP branch. Barber believed it was the Philadelphia NAACP’s responsibility to push the Stein Bill through the General Assembly. When NAACP representatives visited the legislature to check on the bill’s progress, they were surprised. J. Max Barber said:

they found to their utter astonishment that the [Stein] bill was lost. It had not been called up by Mr. Stein in proper time and had automatically dropped from the [legislative] calendar . . . [since no motion had been made to reinstate it] Before they left Harrisburg, they saw to it that such a motion was made and passed and finally the bill passed its third reading in the House. Not one word of credit was given the National Association [for the Advancement of Colored People] for this work by the Nitroglycerine, “Guncotton” committee of the Colored Republican Citizens’ Club.³¹

The Stein Bill passed the House by a vote of 133 to 36 and was sent to the Senate for approval. On May 11, the Senate Judiciary Committee drastically amended the bill: the maximum fine was reduced from \$500 to \$100, and the imprisonment penalty was dropped entirely. In this amended form, the Stein Bill became essentially a piece of legislation without any teeth.³²

A caucus of Pennsylvania African Americans met to determine the next move. All favored the Stein Bill as it stood except for William H. Stanton of Pittsburgh and Amos Scott. Stanton claimed that Boies Penrose hinted that an unamended bill would never pass. Stanton advised his associates that maybe Penrose was right and that “we had better get from under” the legislative “wheel.” But most of the caucus disagreed with Stanton, opting for an unamended bill. Everyone thought it was important for blacks to testify at the Senate committee hearing on the Stein Bill. Although Scott disagreed, he was nonetheless chosen to defend it. J. Max Barber explained:

Mr. Scott was elected chairman of the Caucus. I was elected secretary, therefore I know what took place. There was a discussion as to who should represent us before the committee on Tuesday. Mr. Scott as chairman of the caucus was inclined to do all the talking himself. . . . Our speaker was instructed by motion to insist before the committee that the bill should

be reported to the Senate unamended. It was feared that since the Legislature was so close to adjournment, amendments might tie the bill up in conference and prevent its final passage.³³

At the Senate committee hearing, blacks from Pittsburgh and Philadelphia were to speak. Philadelphia was called on first, but its representatives—Amos Scott and Republican state senator Samuel W. Salus—were absent from the room. Pittsburgh lawyer Frank Stewart was asked to speak instead. As author of the Stein Bill, Stewart argued for its passage unamended. Salus and Scott entered the room while Stewart was speaking. After Stewart's presentation, Amos Scott ridiculed him:

This committee has had a lot of bull shot at it. You have just heard the legal side of this question presented, let me present the practical side. I do not agree with my friend Mr. Stewart. We did not come here to dictate to this committee as to how you should vote on this bill. You have already made up your minds as to how you are going to vote and nothing I can say will change a single vote. We did not come here to demand anything. We simply ask that you give us fair play and do the best you can by us. I have been in politics 25 years and I know enough to know that one cannot get all he asks for, but must be content to take what he can get. Besides you are tired and want to go home.³⁴

African Americans present were surprised by Scott's outburst. Max Barber said that Scott had betrayed the black people of Pennsylvania: "Another caucus had been held, this time between Philadelphia Republican boss senator Edwin Vare and Salus and Scott, and here Scott had received new orders. That is why he was not there when his name was first called." Scott allegedly replied to Barber: "Do you think I would sacrifice my friendships on the floor of the Senate for a few nigger lawyers who want an opportunity to make feces in the courts?" Asbury was also puzzled by Scott's speech:

I asked him why he had changed his speech. He said that he had been informed by Senator Salus that there was danger of losing the motion to report the bill out of the committee and that he must 'put a soft pedal' on his speech . . . Having the matter put to him in that way he thought he had better get the bill out of the committee as amended and work to have it strengthened in the future.³⁵

Asbury said that Scott had acted correctly and suggested that Barber held a grudge against Scott since Barber criticized the Citizens Republican Club openly when Scott was club president. For his part, Barber alleged that national NAACP leaders like W. E. B. DuBois were misled by allies of Amos Scott about the Stein Bill. In a letter to Walter White, Barber wrote:

At the time I acquainted DuBois with what happened but instead of

giving us credit for our hard work, I believe through a misunderstanding, both he and Miss [Mary] Ovington were inclined to take the wrong side of this question. Certainly they missed an opportunity to do the local branch a service by openly standing by us.³⁶

Finally, the Stein Bill passed the legislature and was sent to Governor Martin G. Brumbaugh for his signature. But Brumbaugh refused to sign it. He responded like many politicians to civil rights bills: since there were already laws on the book, why did we need more?³⁷

Pittsburgh Courier editor Robert Vann was disappointed. He avoided any editorial discussion of the failed bill, "almost as if he could not bring himself to discuss it." Finally, before the fall 1915 Republican primaries, Vann warned his readers not to expect any future Pennsylvania civil rights law. "The recent episode at Harrisburg is fresh in [our] minds . . ." said Vann, "we cannot readily forget how useless were promises and pledges" made to blacks by politicians.³⁸ In 1917, three civil rights bills were introduced in the General Assembly. The first two bills, presented by white Republican state representatives James P. McNichol of Philadelphia and Theodore Morgan of Mercer County, died in committee without any legislative debate.³⁹

But the third bill, introduced on March 12, 1917 by white Republican representative Leopold Glass of Philadelphia drew the attention of legislators. Similar in language to the 1915 bill, the Glass bill had the support of Philadelphia NAACP lobbyists who told of "the numerous instances where colored men and women had been kept off the first floor of Philadelphia moving picture houses" even when seats were available. Robert Vann, by now disillusioned with lawmakers, condemned the Glass Bill, claiming: "This bill is introduced for no other purpose than to flood the legislature with civil rights measures so as to create a fight against all such measures. We are aware of the tactics of the Pennsylvania politicians."⁴⁰

Vann's opposition to the bill may have deprived it of much-needed support in Western Pennsylvania. The *Philadelphia Tribune* said that movie industry lobbyists' claims that black movie patrons would hurt their business was really prejudice against Southern black migrants to Pennsylvania: "Thousands of Southern Negroes have been brought to work in the steel and munitions plants and on the railroads. Theater owners declare they represent a disorderly element of the colored race . . . The foregoing charge is a big bluff, a bugga-boo."⁴¹

By June, 1917, the Glass Bill was dead. It was never reported out of the House Library Committee. White businessmen's anxiety over black customers was only one sign of increasing racial tension in the City of Brotherly Love. Between 1915 and 1920, over 40,000 African Americans migrated to Philadelphia. Known as "the Great Migration," it was a result of "push and

pull” factors. Blacks were pushed out of the South by a decline in Southern agriculture, rising lynchings, Jim Crow conditions, and Ku Klux Klan terrorism. They were pulled toward the North by the prospects of higher wage industrial jobs, home ownership, and educational opportunities. They encountered hostility from both northern blacks and whites. The migrants settled in already crowded “black bottoms” or colored residential areas, to the dismay of many “old Philadelphians,” who perceived the newcomers as competitors for jobs and housing. Historian Vincent P. Franklin has pointed out that blacks buying homes in all-white areas “increased the likelihood of interracial strife.”⁴² Philadelphia newspapers reported racial incidents involving black homeowners and whites in West and South Philadelphia. By the summer of 1918, tension was so high that the situation exploded.⁴³

On July 28, 1918, an African American woman’s West Philadelphia home was attacked by a mob of whites. Allegedly, “a gang of white men and boys had been robbing railroad cars in the vicinity and it was thought that Mrs. Adella Bond [a probation officer] was being sent into the neighborhood to secure evidence against them.”⁴⁴ When a mob approached her house, Mrs. Bond fired a pistol into the crowd in self-defense, injuring one person. During the four days of rioting that followed, about sixty blacks and three whites were arrested; three people were killed and several hundred more injured. After the riot, the Colored Protective Association (CPA) was formed. The CPA comprised ministers, community groups, and lawyers. Essentially a civil rights group, it issued a manifesto in the *Philadelphia Tribune* supporting black legal rights, black policemen, fair housing practices, and the elimination of slums, black workers’ rights, and equal rights.⁴⁵

But it was in the area of legal counsel that the CPA was most effective. Led by G. Edward Dickerson and other black lawyers, the CPA instigated prosecution of two white police officers accused of brutality during the 1918 riot. The CPA also advocated an investigation into the alleged role of the Philadelphia police’s Seventeenth District precinct in the riot. While the two white police officers were not convicted, the commander and police officers of the Seventeenth District (where the riot occurred) were transferred to other districts in Philadelphia. It was clear that lack of African American empowerment in city government contributed to the formation of the CPA. The CPA’s activities motivated the Philadelphia NAACP to push for passage of an effective Pennsylvania civil rights bill. In February, 1919, Isadore Martin, Philadelphia NAACP chapter secretary and treasurer, wrote NAACP national headquarters about a new Pennsylvania civil rights bill and suggested that black NAACP official Walter F. White lobby for the bill in Harrisburg. White replied that he thought it “unnecessary that I come to Harrisburg.”

In April, 1919, John Shillady, national secretary of the NAACP, wrote to J. Max Barber in Philadelphia about proposed civil rights legislation in New

York State. New York had passed civil rights legislation in 1895 prohibiting racial discrimination in public accommodations. Although the New York law placed stiffer penalties on offenders than the 1887 Pennsylvania law, African Americans still faced discrimination in both states. One difficulty was that businessmen in the private sector interpreted private ownership as being exempt from jurisdiction concerning public places. They thought of their business establishments, therefore as “private clubs” which could set criteria for admission to the premises. The New York bill was worth studying, said Shillady, for it prohibited discrimination by private clubs, organizations likely to protest any civil rights bills in Harrisburg. Shillady noticed that the *Pittsburgh Courier* had criticized the NAACP for not doing enough for civil rights in Pennsylvania. He wrote Barber: “I think it would be a good thing if you would write a friendly letter to the editor—[Robert Vann] advising him of what your intentions are, so that you will have his support and ward off any unnecessary criticism.”⁴⁶

On May 6, 1919, white Republican representative Thomas Paul Geary of Allegheny County introduced House Bill 1516 or the Geary Bill. The bill passed its first two readings in the House but white Republican Donald D. Miller of Clearfield County asked that the third reading be postponed.⁴⁷ Sensing a threat to his bill, Geary became furious. He said that the bill was drawn up “by the leading colored leader[s] of Pennsylvania,” (Geary did not name them) and that it was a copy of a civil rights law in effect in New York State. Geary said: “the bill gives the right to every citizen, regardless of race or color, the equal protection of the law. It prohibits the usual discrimination as practiced almost universally against the Negro, and provides that any person so discriminated against can have recourse through law. This is merely going a step further than the law of 1887, that failed through the inability to enforce it.” Geary urged that Pennsylvania recognize the sacrifices of its black World War I veterans. “Now why not let the country through this state, give to them the reward which they have so richly earned? Why not let them enjoy the same privileges as the other races?”⁴⁸ Many legislators agreed with Geary but not enough to pass the bill. The vote was 89 affirmative and 45 negative. The House Speaker said that since the vote was less than the majority required by the Constitution, the bill failed.

Civil rights bills were not the only unsuccessful black political initiatives in the wake of World War I; the election of black officials ran into trouble as well, in Philadelphia. When the Vare machine nominated former Citizens Republican Club President Amos Scott for city magistrate in 1919, black Philadelphia hailed the nomination as a step in the right direction. Scott would be on the same ballot as the Vares’ white mayoral candidate, Common Pleas Court Judge John M. Patterson. The Penrose faction, however, was behind Patterson’s white opponent—veteran politician Joseph Hampton Moore. The

Vares were desperate to win Philadelphia's City Hall in 1919. Incumbent Mayor Thomas B. Smith was a "Vare man."⁴⁹ But when his administration became immersed in scandal, Smith decided not to run for re-election.

In 1918 the Vares lost their chance to control the state's political machine when their candidates for governor and lieutenant governor were defeated. Hence, the Vares pinned their hopes on Patterson for mayor. Neither Moore nor Patterson were viewed as strong candidates and the election was expected to be a close race. Several days before the primary, "a marked ballot was sent out from Vare headquarters and among the magistrate candidates . . . the name of Amos Scott was missing." The identity of the person or persons who deleted Scott's name and the reason it was done were never revealed by the Vare organization. Perhaps boss Boies Penrose himself issued the order. "As soon as he learned that Scott had been dropped from the Vare ticket," black attorney G. Edward Dickerson went to work. "He sent cards to the large number of colored voters in the Thirtieth Ward telling them of the [Vare] organization's treachery. The result was evident when the returns were counted." Patterson lost by just 1,313 votes. The *Philadelphia Public Ledger* reported that "it is figured by politicians of all stripes that [the Scott] situation lost the Vare ticket anywhere from 30,000 to 40,000 votes."⁵⁰ These votes went instead to the independent candidates and to Moore.

The Philadelphia Tribune hinted that the black vote was a factor in the primary: "Quite a large number of men did not vote for either Patterson or Moore." The political strength of Philadelphia's African American voters shocked the Vare organization which was now doing "everything possible to straighten out the colored vote."⁵¹ In February, 1920, therefore, Senator Edwin Vare met with African American political leaders in Philadelphia to listen to their demands. These included selection of an African American as alternate delegate to the National Republican Convention and election of two African Americans to the Pennsylvania legislature. Vare agreed to those demands. In April, 1920, the Thirteenth Ward Republican Committee picked John C. Asbury as its candidate for state representative in the upcoming November election. Asbury declared that he "stood for a strong Civil Rights Bill and would expect the assistance of the Republican Organization to have one passed."⁵²

Andrew Stevens Jr., a state Republican committeeman since 1918, was also nominated by the Republicans for the state legislature. Stevens had strong ties to black Philadelphia; not only was he the son of the founder of the Citizens Republican Club, he was co-founder of the Brown and Stevens Bank, served as a board member of the Downingtown Industrial School and the Stephen Smith Home for the Aged, and was a past president of Frederick Douglass Hospital.⁵³ Stevens told the Republican committee that he wanted stronger civil rights laws and state appropriations for black institutions such as the

Frederick Douglass Hospital. On November 2, 1920, Asbury was elected over Democrat John Carey by a margin of 5,760 to 1,513 votes. Stevens won by an even greater margin over democrat Edward Higgins: 5,753 to 600 votes. The *Philadelphia Tribune* declared that “the election of Asbury and Stevens to Harrisburg will go a long way toward solidifying the colored vote of the city” for the Vares.⁵⁴

Meanwhile, black Republicans sought the endorsement of Senator Penrose for a new civil rights bill in Pennsylvania. In January, 1921, Citizens Republican Club President Edward Henry sent a telegram on behalf of a dozen black organizations.⁵⁵ They wished to meet with Penrose in Washington to get his support for the upcoming civil rights bill Asbury and Stevens were about to introduce in the Pennsylvania legislature. Penrose’s support as state party boss was crucial; back in 1887, he had helped get the old civil rights bill passed. Asbury and Stevens realized that they could succeed only through an alliance with both Penrose and the Vares. On February 1, 1921, Asbury introduced House Bill 269, also known as the Asbury Bill. Like the 1911 Bass Bill, the Asbury Bill would make the mere existence of segregated facilities, or advertisement thereof, a violation of the law. Furthermore, it sought tighter enforcement by setting a maximum penalty of a \$500 fine and thirty days in jail. It was referred to the Judiciary Committee.⁵⁶

On Friday evening, February 11, 1921, Pennsylvania’s governor and state legislators attended the grand opening of the Stanley Theater in Philadelphia. All of the politicians were to sit together, but this did not occur. Asbury said that his ticket was for the main floor’s parquet section but that when he arrived there, “the usher looked at my ticket, looked at me, laughed in my face and said, ‘there is your seat up there,’ pointing to the rear of the gallery . . . I took my check [sic] and walked out.” The editor of the *Philadelphia Tribune* protested the treatment of Asbury and revealed that his own wife had allegedly been assaulted by whites for buying a theater ticket there. The Stanley management replied that it regretted that Asbury had been mistreated and that “in the excitement of an opening night, it is impossible to avoid mistakes.”⁵⁷ On March 15, 1921, with African Americans from Pittsburgh and Philadelphia looking on, Senator Vare urged the Judiciary Committee to report the Asbury Bill favorably. Vare said that the blacks present in the capital “represent the vast army of voters of their race who have been loyal and ever true to the Republican Party”,⁵⁸ such loyalty should be rewarded. The bill was reported out of committee favorably and moved swiftly through two readings. Blacks were thankful for Vare’s support, but the passage of the bill depended upon the support of Senator Penrose, whom black Republicans had been courting for endorsement. Penrose did not have a strong civil rights record but in late March the *New York Times* published Penrose’s approval of the Asbury Bill. Penrose said: “I see no reason why the colored man and colored woman should

Philadelphia Tribune, Sept. 7, 1918

The New Colored Theatre
 THE
DUNBAR
 Theatre
 Broad & Lombard Streets



Advertisement for African Americans to buy stock in a Philadelphia theatre where "you need not fear 'Jim Crowism' as the theatre will be controlled entirely by members of our own race." Shares at \$10 each had to be purchased in blocks of five, but it was possible to pay \$5 down and \$5 per month.

not be able to obtain a cup of coffee at Childs [cafeteria] if they want or for that matter go to hotels, cafes, restaurants or other public places frequented by white persons.”⁵⁹ He promised to do what he could to aid the passage of the Asbury Bill.

During the bill’s third reading on March 29, 1921, John Asbury gave the most important speech of his political career. Speaking not of William Penn but of himself, Asbury said:

I know of no other man who has a better right to call himself a Pennsylvanian than I. I was born and reared in Washington County of this state, as was my father before me, as was his father before him, as was my mother before me, as was her mother before her. In the belief that Pennsylvania men are just Pennsylvania boys grown older, I come to you today asking for that same justice and fair play as men, that I received from Pennsylvania boys as boys.⁶⁰

Asbury said that African American veterans especially deserved the full benefits of American citizenship. “Mr. Speaker,” said Asbury, “never have men gone to war like the colored soldier of Pennsylvania went in the late war. “They had to deal not only with prejudice from white American military men but with German propaganda as well. The Germans distributed leaflets claiming: “There were, [the] week before last, three Negroes burned in oil in Texas. The Germans never did anything like that [to Negroes]. Then why come here for a people like that and fight us?” Asbury noted that “under the streets of wartime, those men fought valiantly and they came home with a good record. What do they find when they come home to Pennsylvania?” He told anecdotes about black disabled veterans banned from movie theaters which were showing newsreels depicting the very Army companies they had served with in the war. He called his experience at the Stanley Theater morally reprehensible. Asbury said that the black man deserved respect. “We want all America to know that we are asking for, nay, contending for our ‘manhood rights.’”

Andrew Stevens also spoke briefly in favor of the bill. That day, the Pennsylvania House passed the Asbury Bill by a vote of 139 to 47 and sent it to the Senate for approval. The *Philadelphia Tribune* observed that “the fact that Senator Penrose came out so strong for the bill on Monday helped it along and over the top. His friends stood up for the bill almost to a man.”⁶¹ “Penrose’s “friends,” it seemed, were primarily in Pennsylvania and not in Washington. Southern newspapers as well as Southern congressmen criticized Penrose for supporting the Asbury Bill.

One such congressman was Representative John R. Tyson of Alabama, former Chief Justice of the Alabama Supreme Court. Tyson’s response to Penrose sounded like a judge’s court decision. Private businesses, said Tyson, have

property rights which entitle them to dictate who may enter upon their business premises. He cited an Alabama court case ruling which said that Jim Crow accommodations were legal because a business has a right to preserve its property and to protect the "public interest." Finally Tyson said that liberal legislation like the Asbury Bill would lead to racial intermarriage "which is contrary to the law of races and destructive of social institutions as well as being repugnant to the law of nature." It is not known whether Penrose publicly answered Tyson's criticisms, but the Alabama congressman's remarks drew national attention to the question of civil rights and political power in Pennsylvania. In an editorial entitled "Who's Boss in Pennsylvania—Penrose or Tyson?," *Philadelphia Tribune* editor G. Grant Williams noted that Tyson's criticism of Penrose had caused an argument in the Pennsylvania senate between Senators Barr and Vare, and given Penrose cause to rethink his position. "Results in this case seems to speak louder than words as the indicator points southward [toward Alabama]," predicted the *Tribune*.⁶²

Meanwhile, the progress of the Asbury Bill through the Pennsylvania General Assembly frightened Pennsylvania lobbyists, who promptly descended upon Harrisburg like a swarm of bees. Said the *Philadelphia Tribune*: "They came out in the open and every hotel and boarding house in Harrisburg is crowded with theatrical managers, hotel men and their followers who are here to spend a fortune, if needs be, to either defeat this bill or cause such a modification in its provisions as will render it a worthless piece of legislation." Republican State Senator Cadwallader Barr of Pittsburgh moved that the Asbury Bill be taken from the Law and Order Committee to the Judiciary Committee. Law and Order chairman Senator Salus who accused Barr of sabotage. "This is just the fooling of some men trying to carry it over . . . [so] nothing will be done,"⁶³ said Salus.

Salus's threat of resignation from the Legislature caused the Senate to keep the Asbury Bill in Salus's committee. It is likely that the average Pennsylvanian had not paid much attention to the Asbury Bill until it passed the House and Penrose's statement of support appeared in the *New York Times*. But, faced now with the very real prospect of a new civil rights law in Pennsylvania, white voters contacted their lawmakers, urging them to reverse their votes on the Asbury Bill. The *Philadelphia Tribune* said that there was "word of the Ku Klux Klan [marching] in Pennsylvania towns and several legislators reported instances . . . of the people back home 'making it hot for them' for voting for the bill."⁶⁴ The voters, protests resulted in Lackawanna County's Representative William W. Jones introducing without fanfare a resolution to recall the Asbury Bill from the Senate. Then, as if pre-arranged, the motion was quickly seconded. Not all of the legislators were aware of what happened. When John Asbury asked that the resolution be put to a roll-call vote, there was an uproar in the chamber. "This puts me in an awkward position

[and] at the disadvantage in an unfair way,” complained Asbury.⁶⁵ But his protest had no effect. A recall message was sent to the Senate where the final battle over the Asbury Bill would take place.

Pennsylvania’s African American community mobilized for the crucial fight. On April 9, 1921, Citizens Republican Club President Edward Henry addressed the public about the Asbury Bill in Bristol, Bucks County. A month earlier, Chester County black voters met at Coatesville’s Friendship Baptist Church and drafted a resolution supporting the Asbury Bill to present to the state legislature. On March 10, 1921, Andrew Stevens Jr. spoke militantly to blacks at Coatesville’s Masonic Hall:

To my mind, this bill is peculiar and unnecessary. To think of a state having to pass a bill to give people the right to eat when hungry and to sleep when tired. Aliens come here with instruments of destruction in their hands and are permitted to do what they like. Yet the Negro is denied the simple rights of citizenship. Only when we know our rights and demand them will we get anywhere. When we realize our strength, then will the other man appreciate our power and do for us what we want.⁶⁶

The Senate committee hearing on the Asbury Bill on April 12, 1921 was a lively session; “speakers for and against the bill were interrupted with interrogations, loud laughs, applause, and hisses.” Mary Dillon, a Germantown private school principal, argued against passage of the Asbury Bill. Dillon made racist remarks about black children and suggested that the state start a “lily white party.” Other educators claimed that passage of the Asbury Bill would lead to racial intermarriage and lower academic standards. Even Asbury’s former boss—Philadelphia city solicitor John P. Connolly (representing the Pennsylvania Hotelmen’s Association)—criticized the Asbury Bill.⁶⁷ John Asbury defended his bill. His rebuttal of Mary Dillon “drew thunderous applause from the audience and vindictive admonition from Senator Barr of Pittsburgh, who interrupted Asbury in the course of his address.” Barr claimed that Asbury had no black support for the bill. Asbury replied that black people would “vote for themselves.” Pointing to the applauding gallery, Asbury said to Barr: “There is your answer.” Robert Vann gave what the *Philadelphia Tribune* called a “convincing speech defining social equality.” But Senator Barr accused Vann of slandering Pittsburgh area white society women and claiming: “We don’t want social equality with people of that kind.”⁶⁸

The Law and Order Committee postponed voting on the Asbury Bill for a few days. On the evening of April 18, Boies Penrose decided to act. He called his Republican Party members in Harrisburg and asked them to kill the Asbury Bill. Penrose suggested that he had not actually read the bill before making his statement to the *New York Times*. But even as seasoned a politician

as Penrose would have known that his espousal of civil rights would arouse the ire of Southern Democrats in Congress.

Penrose's actions require, therefore, some explanation. First of all, Penrose always gave his constituency "tokens of affection."⁶⁹ He had helped to give African Americans the 1887 civil rights law, for example. Maybe Penrose thought of the Asbury Bill as a token gift to blacks which had boomeranged when he was criticized for it by his fellow lawmakers. Second, Penrose had been a member of the Pennsylvania General Assembly well-known for plugging "squeeze bills" or legislation designed to regulate major industries such as railroads, public utilities, and banks. Afterwards, for a large campaign contribution, he ensured that the bills never passed.⁷⁰ The Asbury Bill would directly affect businesses like theaters, hotels, and restaurants and it is very likely that their lobbyists brought pressure on Penrose to kill the bill. Third, because Republican State Senator Edwin Vare of Philadelphia County had supported the Asbury Bill early on, Penrose saw a chance to put Vare in his "place." Always wary of the Vare organization's activities, Penrose may have been jealous of the attention Vare was receiving from black Pennsylvanians.

Penrose distributed copies of his newspaper—*The Philadelphia Sunday Item*—to every senator and representative in Harrisburg, in an effort to defeat the Asbury Bill. The newspaper, co-sponsored by Philadelphia Mayor J. Hampton Moore, attacked Senator Vare and ridiculed African American voters:

Senator Vare, who is loudly claiming responsibility for the passage in the House of the Equal Rights Bill is going to see the bill defeated, fight as hard as he may. And I believe that the championship of that infamous piece of legislation will contribute more toward the elimination of the Vares from politics than anything else. It will get them, of course, a small percentage of the Negro vote, but will not affect the bulk of the black voters. Most of them have to be bought at every election, and equal rights or no equal rights, they are going to have to be paid in the future just the same.⁷¹

Finally, like other Americans in the 1920s, Penrose was uneasy about social equality. Many whites seemed to interpret civil rights as a move to eliminate all racial and cultural distinctions. On the contrary, African Americans very much wished to preserve their own heritage. This may have been Robert Vann's intended point during his legislative speech. It is likely that all of these factors influenced Penrose's decision.

On the morning of April 19, after Penrose withdrew his support, the Law and Order Committee was deadlocked over the Asbury Bill. Republican State Senator T. Lawrence Eyre of Chester County moved that the committee be excused from further consideration of the bill. "If it is to be killed," he said, "let us kill it and give it a decent burial in the open."⁷² Republican Senator

Samuel W. Salus from Philadelphia bitterly seconded the motion, proclaiming that “if this Republican Senate defeats this bill, it places the Mason-Dixon line to the northern border of Pennsylvania and the southern border of New York.” But Salus’s appeal was in vain. The Asbury Bill was killed, the Senate voting 39 to 9 to discharge the Law and Order Committee from further work on it.

After the vote Senator Barr took the floor to attack Asbury. “I will not support the colored man who will mislead his own people.” Barr asserted that Asbury misled African Americans into thinking that the 1887 law did not guarantee civil rights. Barr also claimed that Robert Vann had betrayed blacks as well, condemning “The race hatred that man was trying to inoculate into the hearts of his own race!” Asbury’s lone defender was Republican Senator Edwin Vare who insisted that John Asbury as an honest man “from the top of his head to the soles of his feet.” The *Philadelphia Tribune* hinted that a “political doublecross or something [rotten] in the woodpile” was at the bottom of the Asbury defeat.⁷³ The paper also blamed Asbury and Vann for their emotional remarks at the Law and Order committee hearings.

The Citizens Republican Club tried to take the defeat of the Asbury Bill with a sense of humor. At a May, 1921, charity fundraiser at Philadelphia’s Musical Fund Hall, club members were entertained by the club’s blackface “Soap Box Minstrels.” The performances included one called “Killing the Civil Rights Bill.”⁷⁴ President Edward Henry served as interlocutor while Arthur Burchett played Andrew Stevens and club historian and skit author Elijah Hodges played Asbury. Burchett was complimented for his portrayal of Representative Andrew Stevens. Hodges, playing the role of made jokes about the “Jassbury Bill” and called all politicians dirty. The *Philadelphia Tribune* said the “Killing of the Civil Rights Bill” skit was no laughing matter; the parody elicited little applause from the African American audience.

Robert Vann, however, took John Asbury seriously as a political rival. In one of his publications—*The Competitor*—Vann described a March 8 Judiciary Committee meeting in Harrisburg.⁷⁵ According to Vann, after that meeting the African Americans present decided to form “a state organization dedicated to the civic and political rights of the population . . . [and] by vote of the body, Mr. Vann was made chairman.” On June 11, 1921, Vann called together the new organization to discuss the need for an equal rights bill in 1923. Others suspected, however, that the true reason for the meeting was to drum up support for Vann, who was running for Common Pleas Court Judge in Allegheny County in the September, 1921, primary. Vann served as assistant city solicitor in Pittsburgh from 1917 to 1921. This was the same job that Asbury held in Philadelphia before being elected to Harrisburg. John Asbury opposed Vann’s nomination as president of the group. Vann retorted that Asbury was jealous and that Asbury wanted to be the number one black political leader in Pennsylvania. It is likely that Vann’s new organization (which never had an

official name) became defunct after this initial meeting since it played no role in sponsoring the 1923 equal Rights Bill. That bill was introduced by John Asbury on March 6, 1923.⁷⁶

Identical in content to the 1921 bill, the 1923 bill was also referred to the Judiciary Committee. But unlike the 1921 bill, Asbury and Stevens were unable to rally any legislative support. The bill died in committee. Andrew Stevens, however, had more success in getting an anti-lynching bill passed. Signed into law on May 19, 1923 by Governor Gifford Pinchot, the act affirmed the right to a fair trial of suspects and held law officials accountable for their prisoners' safety.⁷⁷

But the law applied only to lynching cases in which victims were seized from jails. Most lynching victims were taken from the custody of law officials as in the 1911 lynching of Zachariah Walker in Coatesville. In 1923, of the twenty-eight people lynched in the United States, twenty-six were African American. Although no lynchings were recorded in Pennsylvania that year, the passage of the 1923 anti-lynching law was anticlimax to Asbury's and Steven's legislative careers.

On March 15, 1924, the *Philadelphia Tribune* announced that John Asbury and Andrew Stevens Jr. "for some unknown reasons withdrawn from the fight for positions in Harrisburg. In their stead have been slated Samuel B. Hart from the Seventh Ward and William H. Fuller from the Thirtieth Ward." Both Hart and Fuller were African Americans. Andrew Stevens was said to have endorsed Hart's candidacy. There was no word from Asbury on his bowing out of the race. In November, Hart and Fuller were elected to the state legislature. They were successful because as the *Philadelphia Tribune* pointed out, "Hart had the strong backing of Charles B. Hall, president of City Council and the Vare 'machine' . . . Mr. Fuller also had the endorsement of the 'machine.' Their election was conceded them prior to the election."⁷⁸ Why did the Vare 'machine' turn against Asbury and Stevens? A black journalist claimed that the organization was anti-civil rights:

The Vare organization kicked John C. Asbury out of State Legislature because he tried to force the passage of an equal rights bill. Mr. Asbury fought courageously to have a legislature dominated by [Senator Edwin] Vare pass the bill. The bill couldn't pass because Mr. Vare wouldn't let it pass. As proof of this fact, the bosses called a meeting and forced Asbury to get out of the legislature. To make this fact less obvious, they asked for a removal of Andrew F. Stevens at the same time.⁷⁹

This, however, is inconsistent with the evidence. In the *Legislature Journal*, Vare is on record as stating that he was in favor of the bill; that he "did not want the bill amended for the purpose of taking out all the good that was in the bill. We would rather be beaten in good faith than in bad faith." Vare also

said that he felt that African Americans “have the right to demand” equal rights. Therefore, the reason why Vare voted in favor of discharging the Law and Order Committee from further consideration of the Asbury Bill was that he knew the committee would amend the bill so it would be ineffective.⁸⁰

Nevertheless, the Vare organization was embarrassed by Penrose’s *coup de grace* to the Asbury Bill. It is quite possible that the Vare machine responded to Penrose by calling a meeting to get rid of Asbury and Stevens. The fact that Hart and Fuller were handpicked by the bosses, that Vare failed to support Asbury’s 1923 equal rights bill, and that Fuller and Hart did not sponsor any civil rights bill, suggests that Vare wanted to be in control of the state Republican machine. Asbury remained in Philadelphia city politics after 1924, but he played a low-key role. Stevens left politics altogether and returned to his banking business. A new Pennsylvania civil rights bill would not be passed until 1935 under the sponsorship of Republican state representative Hobson Reynolds, an African American from Philadelphia. This law also was weakly enforced, yet this was another piece of civil rights legislation on the books which failed to be truly effective.⁸¹

In retrospect, the efforts of black and white Pennsylvania legislators failed mainly because the Penrose machine knew it was not necessary to pass a civil rights bill in order to keep African Americans’ votes. Before the New Deal, African Americans were loyal to the “party of Lincoln.” Black voters, thought Republicans, would not threaten the political status quo provided white politicians paid lip service to black concerns through occasional patronage and passage of laws like the 1887 Civil Rights Act. Furthermore, many Pennsylvanians viewed civil rights bills as requests for favors from a special interest group rather than the legitimate demand of citizens. Such legislation provided a rallying point for racist organizations like the Ku Klux Klan who influenced legislators and public policy-making. During this period, African American political leadership was not always united. Rivalry between Philadelphia and Pittsburgh blacks as well as among Philadelphia blacks themselves, seemed to hamper efforts for statewide legislation on race issues. Finally, the civil rights struggle in early twentieth century Pennsylvania reveals how precarious Keystone state politics could be. Southern congressmen were able to influence law-making in Pennsylvania. Consequently, both black and white Pennsylvania lawmakers had difficulty convincing their peers that ensuring civil rights was not a question of political expediency, but simply a matter of “justice and fair play.”

Notes

An early version of this paper was presented at the sixteenth annual Conference on Black History in Pennsylvania at Lycoming College, Williamsport, in May 1993. I wish to thank Harold Myers and Robert Weible of the PHMC who critiqued this article in various versions and offered helpful suggestions.

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22. *Who’s Who in Colored America: A Biographical Dictionary of Notable Persons of African Descent, 1938-1940*, 5th edition (Brooklyn: Thomas Yenser, 1940), p. 33; *Philadelphia Tribune*, “John Asbury Endorsed by the Thirtieth Ward,” 17 April 1920, p. 1.
23. *Philadelphia Tribune*, “Lawyer Wins Important Case,” 22 October 1913, p. 1.
24. *Philadelphia Tribune*, “Negro Protective League Grows by Leaps and Bounds,” 25 April 1914, p. 1.
25. McBride, p. 575. I checked McBride’s claim by searching the legal digests in the Law Section of the State Library of Pennsylvania; I found no citation of civil rights cases in Pennsylvania between 1887 and 1913 initiated by African American plaintiffs.
26. James H. Brewer, “Robert Lee Vann, Democrat or Republican: An Exponent of Loose Leaf Politics,” *Negro History Bulletin* 21 (February 1958), p. 100; Buni, p. 37.
27. Letter, May Childs Nerney to William M. Randolph, 2 March 1915; Letter, William M. Randolph to May Childs Nerney, 25 March 1915, NAACP Papers, Library of Congress.
28. *Philadelphia Tribune*, “Dr. Max Barber Fully Gives His Reasons for Being Displeased with Amos Scott,” 5 June 1915, p. 4; *Philadelphia Tribune*, “The Stein Bill Passes the House,” 17 April 1915, p. 1.
29. *Legislative Journal for the Session of 1915*, (Harrisburg: William Stanley Ray, 1915), 14 April 1915, p. 1629.
30. Andrew Buni, *Robert L. Vann of the Pittsburgh Courier: Politics and Black Journalism* (Pittsburgh: University of Pittsburgh Press, 1974), p. 83.
31. *Philadelphia Tribune*, 5 June 1915, pp. 1 and 4.
32. *Legislative Journal for the Session of 1915*, 14 April 1915, p. 1630; *Philadelphia Tribune*, “The Teeth Taken Out of New Civil Rights Bill,” 15 May 1915, p. 1.
33. *Philadelphia Tribune*, 5 June 1915, p. 4.
34. *Ibid.*
35. *Philadelphia Tribune*, “Defenders of Mr. Amos Scott,” 12 June 1915, p. 4.
36. Letter, J. Max Barber to Walter F. White, 15 January 1921, NAACP Papers, Library of Congress.
37. Veto No. 207, *Vetoes by the Governor of Bills and Resolutions Passed by the Legislature, Session of 1915* (Harrisburg: William Stanley Ray, 1915), pp. 476-477. V. P. Franklin points out that Brumbaugh wanted the bill to exempt hotels and restaurants from complying with the proposed law. Franklin, footnote 32, p. 238.
38. Buni, p. 85.
39. *Legislative Journal for the Session of 1917*, (Harrisburg: J. L. L. Kuhn, 1917), House Bill 290, p. 147; *ibid.*, House Bill 195, p. 4027.
40. *Ibid.*, p. 511; Buni, p. 85.
41. *Philadelphia Tribune*, “Equal Rights Bill Protested by Theater Men,” 10 March 1917, p. 1; *Legislative Journal for the Session of 1917*, 21 June 1917, p. 4027.
42. Vincent P. Franklin, “The Philadelphia Riot of 1918,” *Pennsylvania Magazine of History and Biography* 99 (July 1975), p. 342.
43. Media reports about racial incidents include: *Philadelphia Tribune*, “Poor Whites Become Enraged Because Colored Woman Bought House,” 11 July 1914, p. 1; *Philadelphia Tribune*, “Move in South Philadelphia Draws Color Line,” 27 June 1914, p. 1.

44. Walter F. White, *Philadelphia Race Riots of July 26 to July 31 1918*, (New York: NAACP, November 1918), in: NAACP Papers—Administrative Files—Philadelphia-Race Riots folder, Library of Congress.
45. *Philadelphia Tribune* "Philadelphia Perfect City-Wide Organization to Promote and Protect Interests of the Race," 17 August 1918, p. 1. The Colored Protective Association (CPA) is not to be confused with a group founded in 1914 in Philadelphia—the Negro Protective League.
46. Letter, John R. Shillady to J. Max Barber, 2 April 1919, NAACP Papers, Philadelphia Branch files, Library of Congress. *Laws of New York*, Vol. 1, Chapter 1042, Act of June 15, 1895, p. 974.
47. *Legislative Journal for the Session of 1919*, (Harrisburg: 1919), p. 1999. Geary does not name the "leader"; it may have been J. Max Barber.
48. *Ibid.*, p. 2001.
49. Robert Edward Drayer, "J. Hampton Moore: An Old Fashioned Republican," Ph.D. diss., University of Pennsylvania, 1961, pp. 88-89, 98; *Philadelphia Tribune*, "Banquet to Club President," 4 May 1912, p. 1.
50. Odell Hauser, "Asbury Equal Rights Bill Causes Turmoil," *Philadelphia Public Ledger*, 6 April 1921, p. 8; Drayer, p. 105.
51. *Philadelphia Tribune*, "One Reason for the Shrinkage of Mayoralty Vote," 20 September 1919, p. 1; *Philadelphia Public Ledger*, 6 April 1921, p. 8.
52. *Philadelphia Tribune*, 17 April 1920, p. 1.
53. Frank Lincoln Mather ed., *Who's Who of the Colored Race*, Vol. 1 (Chicago: Who's Who of the Colored Race, 1915), p. 253; See *Philadelphia Tribune*, 30 October 1954, Sec. 2, p. 1; 17 January 1920, p. 10; 10 February 1917, p. 1; G. Grant Williams, "Police Superintendent Protects Our Citizens," *Philadelphia Tribune*, 14 September 1918, p. 1.
54. *Philadelphia Tribune*, "A. F. Stevens and J. C. Asbury Begin Their Legislative Careers," 1 January 1921, p. 1; "Election Returns," in *Legislative Journal for the Session of 1921* (Harrisburg: J. L. L. Kuhn, 1921).
55. *Philadelphia Tribune*, "Leading Citizens To Confer With Senator Penrose," 22 January 1921, p. 1.
56. *Philadelphia Tribune*, "Full Text of the Equal Rights Bill," 21 February 1921, pp. 1 and 11; Buni, p. 85; Other speakers were Andrew Stevens Jr. of Philadelphia, Frank R. Steward of Pittsburgh, Mrs. E. W. Layton of Philadelphia, J. Welford Holmes of Pittsburgh, Rev. W. G. Parks of Philadelphia, A. B. Bibbs, Harrisburg veteran of World War I, and Edward W. Henry, John W. Parks and Dr. Milton White, all from Philadelphia. Cited in: *The Competitor: The National Magazine* (Pittsburgh) Vol. 3 no. 2. (April 1921), p. 14.
57. *Legislative Journal for the Session of 1921*, p. 1066; *Philadelphia Tribune*, "Stanley Theater Regrets Insult to Hon. J. C. Asbury," 12 March 1921, p. 1.
58. *Philadelphia Tribune*, "Senator Edwin Vare Enters Fight for Equal Rights," 19 March 1921, p. 1.
59. *New York Times*, "Penrose for Negroes' Bill," 3 April 1921, Sec. VI, p. 6.
60. *Legislative Journal for the Session of 1921*, p. 1065.
61. *Philadelphia Tribune*, "Asbury's Bill Adopted in Legislature," 2 April 1921, p. 2.
62. *New York Times*, "Says Penrose Denies the Right of Whites," 3 April 1921, Sec. 6, p. 6.
63. *Philadelphia Tribune*, "Theatrical and Hotel Interests Strive to Defeat," 9 April 1921, p. 1; *Legislative Journal for the Session of 1921*, p. 1247.
64. *Philadelphia Tribune*, 9 April 1921, p. 8; *Philadelphia Tribune*, "Penrose-Moore Newspaper Bent on Mischief-Making," 23 April 1921, p. 2.
65. *Legislative Journal for the Session of 1921*, p. 1308.
66. *Philadelphia Tribune*, "Bucks County Aroused By Equal Rights Meeting," 16 April 1921, p. 1; *Philadelphia Tribune*, "Mass Meeting By Colored Voters of Coatesville," 3 March 1921, p. 1; *Philadelphia Tribune*, "Multitude Cheer Andrew F. Stevens At Coatesville," 16 April 1921, pp. 1-2.
67. *Philadelphia Tribune*, "Asbury Equal Rights Bill Gets Another Hearing," 16 April 1921, pp. 1-2.
68. *Philadelphia Tribune*, 16 April 1921, pp. 1-2; *Philadelphia Record*, "Clashes Mark Hearing Upon Equal Rights Bill," 13 April

- 1921, p. 7; *Philadelphia Public Ledger*, “Senators Defeat Equal Rights Bill,” 23 April 1921, p. 5; *Philadelphia Tribune*, “Asbury’s Equal Rights Bill Killed in State Senate,” 23 April 1921, p. 1.
69. G. Grant Williams, “Something in the Woodpile Proves Death of Asbury’s Equal Rights Bill,” *Philadelphia Tribune*, 7 May 1921, p. 1; Paul Beers, “Boies Penrose, 1860-1921,” in Robert G. Crist ed., *Pennsylvania Kingmakers*, (University Park, PA: Pennsylvania Historical Association, 1985), p. 44.
70. Beers, p. 53.
71. *Philadelphia Tribune*, 23 April 1921, p. 2.
72. *Legislative Journal for the Session of 1921*, pp. 2120-2121.
73. *Ibid.*, pp. 2122-23; *Philadelphia Record*, “Kill Equal Rights Bill After A War of Words,” 20 April 1921, p. 7. *Legislative Journal for the Session of 1921*, pp. 2122-2124. *Philadelphia Tribune*, “Asbury’s Equal Rights Bill Killed in State Senate,” 23 April 1921, p. 1; Williams, p. 1.
74. *Philadelphia Tribune*, “The Soap Box Comes Back Strong In Big Comedy Skit,” 4 June 1921, p. 1; “Politics and Politicians,” 4 June 1921, p. 4; Pennsylvania State Archives, Harrisburg, *Records of the WPA Pennsylvania Historical Survey, 1933-1942, American Guide Series (Ethnic Survey), 1938-1941*, “The Negro in Philadelphia, 1938-1939, 1941: “History of the Soap Box Minstrels” by Elijah Hodges, MG 13, Microfilm 272.
75. *The Competitor* (Pittsburgh), April 1921, p. 14.
76. *Legislative Journal for the Session of 1923* (Harrisburg: 1923), p. 831. Buni, p. 123; *Philadelphia Tribune*, “Colored Leaders Meet in the State Capitol and Form New State Organization,” 18 June 1921, p. 1; Brewer, p. 100. The group had no known official name and is not cited again in Buni’s book nor in future issues of the *Tribune*.
77. *Legislative Journal for the Session of 1923* (Harrisburg: J. L. L. Kuhn, 1923) p. 3558; See Act 183 in *Laws of the General Assembly of the Commonwealth of Pennsylvania Passed at the Session of 1923*, p. 288.
78. *Philadelphia Tribune*, “Messrs. Asbury and Stevens Not To Run For State Legislature,” 15 March 1924, p. 1; *Philadelphia Tribune*, “Hart and Fuller Carry Districts By Big Majority,” 8 November 1924, p. 1.
79. *Philadelphia Tribune*, “John Asbury Kicked Out Of The Legislature Because of the Equal Rights Bill,” 15 May 1962, p. 1.
80. *Legislative Journal for the Session of 1921* 19 April 1921, p. 2121.
81. Act 132, *Laws of the Commonwealth of Pennsylvania Passed at the Session of 1935* (Harrisburg: Printed “by Authority,” 1935), pp. 297-299.

Appendix to "Asking for Justice and Fair Play"

Table 1

YEA VOTE FOR PASSAGE OF ASBURY BILL IN PA HOUSE MARCH 29,
1921

LISTED ALPHABETICALLY BY LEGISLATOR, PARTY, & DISTRICT

(Total = 139; 135 Republicans, 4 Democrats)

ALEXANDER, William A. (R-Delaware)
 ALLUM, Edward Lee (R-Mercer)
 ASBURY, John Cornelius (R-Philadelphia)
 ASHTON, Richard (R-Luzerne)
 BAKER, Charles C. (R-Dauphin)
 BALDI, Jr., Charles C. (R-Philadelphia)
 BECKLEY, Ross L. (R-Cumberland)
 BELL, Frederick A. (R-Blair)
 BIDELSPACHER, Charles F. (R-Lycoming)
 BLAIR, Frederick F. (R-Erie)
 BLUETT, Thomas (R-Philadelphia)
 BLUMBERG, Arnold Maurice (R-Philadelphia)
 BOWER, Clark M. (R-Perry)
 BRADY, William J. (R-Philadelphia)
 BRENNEMAN, Bert Leo (D-York)
 BROMLEY, Wallace (R-Philadelphia)
 BROWN, Thomas R. (R-Montgomery)
 BURNS, Richard David (R-Philadelphia)
 CAMPBELL, Theodore (R-Philadelphia)
 CATLIN, Charles W. (R-McKean)
 CHAPLIN, Issac M. (R-Cambria)
 CLUTTON, Paul D., (R-Somerset)
 CONNER, Patrick (R-Philadelphia)
 CRAIG, James Reed (R-Erie)
 CRATTY, Thomas O. (R-Butler)
 CURRAN, David M. (R-Washington)
 CURRY, Albert Eugene (R-Armstrong)
 DAVIS, John Thomas (R-Indiana)
 DAWSON, Hugh A. (R-Lackawanna)
 DENNING, Joseph M. (R-Schuylkill)
 DEWEY, Charles P. (R-Bedford)
 DEWEY, Philip Hastings (R-Tioga)
 DIEHM, G. Graybill (R-Lancaster)
 DILSHEIMER, Sr., Herman (R-Philadelphia)
 DRINKHOUSE, John (R-Philadelphia)
 DUNN, James A. (R-Philadelphia)
 EACHES, Paris E. (R-Berks)
 EDMONDS, Franklin Spencer, (R-Philadelphia)

EHRHARDT, Frederick C. (R-Lackawanna)
 ELGIN, Eugene (R-Adams)
 FELDMAN, Harry (R-Allegheny)
 FLYNN, John Merton (D-Elk)
 FOWLER, David (R-Lackawanna)
 FRANKLIN, James (R-Lackawanna)
 GELDER, Frederick T. (R-Susquehanna)
 GLASS, Leopold C. (R-Philadelphia)
 GOEHRING, Edward B. (R-Allegheny)
 GOLDER, Benjamin Martin (R-Philadelphia)
 GOODNOUGH, C. Jay (R-Cameron)
 GOSS, William A. (R-Allegheny)
 GREEN, Daniel J. (R-Philadelphia)
 GRIFFITH, William Grant (R-Cambria)
 HAGERTY, John K. (R-Delaware)
 HAINES, W. Albertson (R-Bucks)
 HALDEMAN, Isaiah T. (R-Montgomery)
 HARDING, Curtis Merit (R-Bradford)
 HARER, Warren Clyde (R-Lycoming)
 HARRY, Thaddeus Worth (R-Chester)
 HAWS, Edward (R-Philadelphia)
 HAYES, Roy W. (R-Westmoreland)
 HEFFERMAN, James J. (R-Philadelphia)
 HENDERSON, Elmer (R-Westmoreland)
 HESS, Aaron B. (R-Lancaster)
 HOFFMAN, John N. (R-Northampton)
 HOLCOMBE, Vell Burr (R-Sullivan)
 HORNE, J. Ross (R-Cambria)
 HOUGH, Edward M. (R-Allegheny)
 HUSTON, Joseph N. (R-Allegheny)
 JONES, David J. (R-Lawrence)
 KEENE, Harry (R-Philadelphia)
 KELLY, Clifton L. (R-Allegheny)
 KOOSER, Ernest R. (R-Fayette)
 KRAUSE, Thaddeus Stevens (R-Philadelphia)
 LAFFERTY, James V. (R-Philadelphia)
 LEEDS, Horace W. (R-Philadelphia)
 LONG, William W. (R-Chester)
 LOVE, John M. (R-Philadelphia)
 McBRIDE, Cornelius J. (R-Allegheny)
 McCARTHY, Timothy J. (R-Philadelphia)
 McCLURE, Daniel W. (R-Beaver)
 McCURDY, Samuel (R-Blair)
 McGOWAN, Thomas F. (R-Philadelphia)
 McKIM, Samuel J. (R-Allegheny)
 McKNIGHT, Archie (R-Allegheny)

McVICAR, Nelson (R-Allegheny)
MARCUS, Joseph (R-Philadelphia)
MARCUS, Joseph Charles (R-Allegheny)
MARSHALL, John G. (R-Beaver)
MARTIN, William H. (R-Allegheny)
MANTZ, Howard E. (R-Lehigh)
MILLAR, Albert (R-Dauphin)
MILLAR, Albert S. C. (R-Philadelphia)
MILLER, Donald L. (R-Clearfield)
MILLER, Jeremiah J. (R-Philadelphia)
MITCHELL, James William (R-Mifflin)
MORRIS, Charles J. (D. Luzerne)
ORR, Samuel J. (R-Mercer)
PERRY, Samuel J. (R-Philadelphia)
PHILLIPS, Joseph E. (R-Clearfield)
PIKE, Harold Carter (R-Montgomery)
POSEY, Ernest Bechtel (R-Becks)
RHOADS, Harry L. (R-Lancaster)
RICHARDS, Irwin P. (R-Northampton)
RUCH, Titus M. (R. Northampton)
RUTH, Joseph A. (R-Montgomery)
SCHILLING, Joseph M. (D-Erie)
SHANNON, Walter R. (R-Pike)
SINCLAIR, Duncan (R-Fayette)
SMILEY, Russell (R-Fayette)
SMINK, Issac L. S. (R-Philadelphia)
SMITH, Harry J. (R-Leigh)
SMITH, Howard (R-Philadelphia)
SMITH, Jefferson W. (R-Philadelphia)
SMITH, Lee (R-Fayette)
SNOWDEN, John F. (R-Philadelphia)
SOFFEL, George Henry (R-Allegheny)
SOWERS, Clinton Anderson (R-Philadelphia)
SPANGLER, Robert S. (R-York)
SPROWLS, J. Add. (R-Washington)
STACKHOUSE, Frank H. (R-Philadelphia)
STADTLANDER, William Frederick (R-Allegheny)
STEEDLE, Joseph G. (R-Allegheny)
STERLING, Philip (R-Philadelphia)
STEVENS, Andrew F. (R-Philadelphia)
STEVENSON, George W. (R-Jefferson)
THOMAS, Lorenzo D. (R-Luzerne)
TRAINER, Henry J. (R-Philadelphia)
VICKERMAN, John W. (R-Allegheny)
WALKER, George Thomas (R-Washington)
WALKER, James A. (R-Philadelphia)

WEAMER, William Howard (R-Bucks)
 WELLS, John Walter (R-Potter)
 WHITAKER, Samuel A. (R-Chester)
 WILLIAMS, George W. (R-Tioga)
 WOLFE, Samuel B. (R-Union)
 WONER, George Irwin (R-Butler)
 ZOOK, Samuel F. (R-Blair)

Table 2

NAY VOTE ON PASSAGE OF ASBURY BILL IN PA HOUSE MARCH 29,
 1921
 LISTED ALPHABETICALLY BY LEGISLATION, PARTY, AND DISTRICT
 (TOTAL 47; 39 REPUBLICANS, 8 DEMOCRATS)

BARNHART, Harry H. (R-Lebanon)
 BOLARD, John A. (R-Crawford)
 BRENDLE, Cyrus K. (D-Berks)
 BROOKS, Thomas E. (R-York)
 BROWN, Frank B. (R-Montgomery)
 COMERER, George A. (R-Fulton)
 COOK, Calvin E. (R-York)
 CRAIG, John Orr (R-Franklin)
 CRUM, Lawrence N. (R-Huntington)
 DONNELEY, James (D-Schuylkill)
 DUNLAP, William R. (R-Allegheny)
 FITZGIBBON, John Arthur (R-McKean)
 FOX, Ira M. (R-Forest)
 GEARHART, J. Beaver (R-Montour)
 HAMPSON, John C. (D-Greene)
 HASLETT, Brooks (R-Venango)
 HATRICK, William J. (R-Carbon)
 HENDERSON, Wade Melchior (R-Jefferson)
 HOOVER, Ralph (R-Bedford)
 JONES, William W. (R-Lackawanna)
 KANTNER, Robert J. (R-Schuylkill)
 KOHLER, Walter William (R-Lackawanna)
 LEWIS, Charles A. (R-Northumberland)
 McCONNELL, Alexander (R-Westmoreland)
 McHUGH, William F. (D-Luzerne)
 McMULLEN, John Thompson (R-Northumberland)
 McCOWEN, Lawrence F. (R-Philadelphia)
 MAGILL, Franklin Stockton (R-Franklin)
 MILLER, Christian (R-Luzerne)
 MILLER, Donald D. (R-Clearfield)
 RIEDER, Howard Fox (R-Westmoreland)

ROMAN, Thomas G. (R-Luzerne)
 RUDDY, Michael J. (D-Lackawanna)
 SCHAEFFER, Adam C. (R-Schuylkill)
 SCHWARTZ, Joseph H. (R-Luzerne)
 SIEG, Alvin O. (R-Monroe)
 SHAFFER, Charles A. (D-Columbia)
 SHELLENBERGER, John H. (R-Juniata)
 STARK, Oscar D. (R-Wyoming)
 STEWART, Jr., George Hamill (R-Cumberland)
 STRAUSS, Benjamin Morris (D-Berks)
 SWELTZER, E. Marion (D-Clarion)
 VAN ALEN, Timothy Oakley (R-Northumberland)
 WHITEHOUSE, Clarence A. (R-Schuylkill)
 WHITEMAN, Thomas Moorehead (R-Westmoreland)
 WOOD, Williston P. (R-Warren)
 WOODRUFF, John I. (R-Snyder)

Table 3

YEA VOTE ON MOTION TO DISCHARGE LAW AND ORDER
 COMMITTEE FROM FURTHER CONSIDERATION OF ASBURY BILL IN
 PENNSYLVANIA SENATE APRIL 19, 1921. LISTED ALPHABETICALLY BY
 LEGISLATOR, PARTY, AND DISTRICT. Total 9: All Republicans

ARON, Max (R-Philadelphia)
 BARR, Cadwallder M. (R-Allegheny)
 EYRE, T. Lawrence (R-Chester)
 GRAY, George (R-Philadelphia)
 McNICHOL, William J. (R-Philadelphia)
 PATTON, Edward Wagner (R-Philadelphia)
 SALUS, Samuel W. (R-Philadelphia)
 SCHANTZ, Horace W. (R-Lehigh)
 VARE, Edwin H. (R-Philadelphia)

Table 4

NAY VOTE ON MOTION TO DISCHARGE LAW AND ORDER
 COMMITTEE FROM FURTHER CONSIDERATION OF ASBURY BILL IN
 PENNSYLVANIA SENATE, APRIL 19, 1921, LISTED ALPHABETICALLY BY
 LEGISLATOR, PARTY, AND DISTRICT.
 Total 39: 36 Republicans, 3 Democrats

BALDWIN, Frank E. (R-Potter)
 BARNES, Wallace J. (R-Wayne)
 BOYD, James Slinghuff (R-Montgomery)
 BUCKMAN, Clarence J. (R-Bucks)

CLARK, Joseph O. (R-Indiana)
 CRAIG, William David (R-Beaver)
 CROW, William E. (R-Fayette)
 CULBERTSON, Frederick Watts (R-Mifflin)
 DAIX, Jr., Augustus F. (R-Philadelphia)
 DAVIS, Albert (R-Lackawanna)
 DEWITT, Asa K. (D-Luzerne)
 DONAHUE, Charles E. (R-Clinton)
 EINSTEIN, Morris (R-Allegheny)
 HACKETT, William Clayton (D-Northampton)
 HEATON, Robert Douglas (R-Schuylkill)
 HERRON, Joseph Alexander (R-Washington)
 HOMSHER, John G. (R-Lancaster)
 JONES, Edward E. (R-Susquehanna)
 JOYCE, P. E. (R-Luzerne)
 LESLIE, M. G. (R-Allegheny)
 LONG, Daniel Edward (R-Franklin)
 MACDADE, Albert Dutton (R-Delaware)
 MARLOW, George (R-York)
 McCLINSTOCK, Wilson Shaw (R-Allegheny)
 McCONNELL, William Calder (R-Northumberland)
 MILLER, John S. (R-Somerset)
 MILLER, Summerfield J. (R-Clearfield)
 MURDOCH, W. Crawford (R-Allegheny)
 NORTON, James Edward (R-Berks)
 PHIPPS, Marshall Lee (R-Venango)
 SERVICE, Fred A. (R-Mercer)
 SISSON, A. E. (R-Erie)
 SMITH, Frank A. (R-Dauphin)
 SNYDER, Plymouth W. (R-Blair)
 SONES, Charles Wesley (D-Lycoming)
 STINEMAN, W. I. (R-Cambria)
 WEAVER, James Bentley (R-Westmoreland)
 WHITTEN, Norman A. (R-Allegheny)
 WOODWARD, George (R-Philadelphia)